

Mr. Mark Lynch
122 Maryland Ave., NE
Washington, D.C. 20002

3/25/85

Dear Mark,

When I filed my en banc petition I was aware of its slim prospects but I had hoped the rejection would not be, as I'm told it is (I've still heard nothing from the court) unanimous, and that it might serve useful purposes at that court. Expecting the probability of rejection, I had planned to petition cert, again not with the expectation it would be granted but because earlier that had served a useful end. I may have told you this. and I still think it is worth doing. But during the time the appeals court was doing nothing I realized that it is beyond me. There are days like today when I can barely drag myself around and on such days I generally do not trust myself to do more than write letters.

My doctors have no explanation of why these things happen. Last Wednesday the trip to my surgeon for the regular checkup was so much too much for me I could not stay awake on the way home. Yet in preceeding days I had moved and stacked tons of firewood - a little at a time, of course.

So, the things for me, as I have come to see it, is to husband what time and energy I have, to the degree possible, for further writing. This realization is what led to my instant acceptance of what Jim Lesar reported and I wrote you about promptly day before yesterday. I just can't undertake any more in the interest of others as I try to balance what may be within my present and future capabilities.

I still believe that an outrageous case of official mendacity, properly and accurately exposed, is important for a number of reasons, including the future of FOIA. But alone I cannot carry this one up.

Jim said that you want to depose LaHaie, and I presume that there will be some opposition and that it would be limited in scope. He would, of course, be an adverse witness, and I find myself thinking, really wondering, if in this you would not be permitted to address his truthfulness. If you could go into the record you might enjoy it, and not you alone.

When we got to exercise discovery before they got away with withholdings. They had relevant records they did not produce. They will have no less and probably more reasons for this dishonesty if you depose LaHaie. He has already attested that he did not keep time records and there is little question but that he would have if he had expected to make the moves he then did make. Records relating to this they'll certainly try to keep secret. Especially their chortling.

There also should be records relating to LaHaie's intense hatred of me when we have never met or spoken. I suspect he was fed the FBI's fabrications, distortions and misrepresentations. I think there may be some relating to his blunt threats to cite me for contempt, made to Jim. He backed off when I asked Jim to tell him I dared him. (His later explanation is that he phoned Jim to explain the law to Jim.) I do not believe that he would have moved against Jim or me on his own and thus there ought be records, at least memos of conversations.

Sincerely,

